

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RONALD PAINTER,	)	
Plaintiff	)	
	)	
vs.	)	Civil Action No. 05-1273
	)	Judge Terrence F. McVerry/
WARDEN DUNKLE; LT. ROXANNE	)	Magistrate Judge Amy Reynolds Hay
KLEPER; DR. COSTELLANO; NURSE	)	
JANE DOE,	)	
Defendants	)	

**MEMORANDUM ORDER**

AND NOW, this 18<sup>th</sup> day of December, 2006, after the plaintiff, Ronald Painter, filed an action in the above-captioned case, and after motions to dismiss were filed by defendants, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the motions to dismiss filed by Defendant Emerson Turnbull (named as Jane Doe in the Complaint) (doc. Nos. 17 & 20) are granted;

IT IS FURTHER ORDERED that the motion to dismiss filed by Defendant Dr. George Castellano (doc. no. 18) is granted;

IT IS FURTHER ORDERED that the motion to dismiss filed by Defendants Warden Dunkle and Lt. Roxanne Kleper (doc. no. 28) is granted as to Defendant Dunkle and denied as to Defendant Kleper;

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff/defendant desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

BY THE COURT:

s/ Terrence F. McVerry  
United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

Ronald Painter  
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